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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,571	02/11/2002	Bart Dahneke	971-150	5124

7590 04/20/2006

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EXAMINER	
CHEN, ALAN S	

ART UNIT	PAPER NUMBER
2182	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/073,571	DAHNEKE ET AL.	
	Examiner	Art Unit	
	Alan S. Chen	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9 and 12-26* is/are rejected.

7)☒ Claim(s) *10 and 11* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

ftzm. fleming
FRITZ FLEMING
PRIMARY EXAMINER
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4/14/2006

Supervisory

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED FINAL ACTION

Response to Arguments

1. Applicant's arguments filed 01/31/2006 have been fully considered but they are not persuasive.

2. Applicant's arguments are summarized as follows:

a) All operations of Moyer require a network connection, in particular, the monitoring and removing support information.

b) Features of the dependent claims are emphasized.

3. Examiner's response to the arguments are as follows:

a) First, Applicant recites asserts and claims a negative recitation that is not supported by the specification. The specification appears silent on monitoring and uninstalling support information with the need for a network connection. The only vague reference to this appears to be on pg 4, lines 16-20 where is it very broadly asserted that "aspects of the present invention can also be utilized in embodiments wherein computing devices are not interconnected". Examiner cannot use this overly broad statement to ascertain whether the newly amended claim language can be enabled. It is requested the applicant point out exactly where it states in the specification that monitoring and removing support information can be accomplished with and without a network connection.

Second, Moyer does in fact read on the claims where Moyer indeed has the ability to monitor and fully automatically remove support information with or without network connection. It must be first noted that Examiner has explicitly equated support

information to peripheral device driver in the previous Office Action, citing paragraph 26 of Moyer, "...the device driver may be deleted from a client computer after the consumer has completed the retrieval, upload or removal...the deletion may occur automatically at the end of the process...". Next, Moyer expressly discloses the peripheral device (Fig. 2B, element 202) attached to the client computer (Fig. 2B, element 204) thru what one of ordinary skill in the art would clearly construe as a non-network connection (Fig. 2B, elements 260a-c), where the connection is disclosed to be, serial, parallel, USB (Paragraph 41). Moyer shows that the peripheral drivers are automatically removed regardless of whether the network (Fig. 2B, element 108) is attached or not by stating that the drivers are implemented using DLLs that are located on the client computer's hard disk (Paragraph 92). The deletion is simply removing these DLLs from the local hard disk, which is not on the network and requiring only a deletion command at the client. To discuss more on the applet, while applets generally are downloaded and installed, one of ordinary skill in the art knows that once installed, the applets are standalone programs executed in the web browser. While the Examiner does not deny that the applet has the ability to use the network in order to download the peripheral device driver for installation of the driver, nowhere does Moyer state that monitoring and deletion of the peripheral device driver further requires a network connection. Applicant points to paragraph 75 of Moyer in attempt to show a network connection is required. However, this paragraph only pertains to processes other than monitoring for end or persistence and removing peripheral device driver. The "entire process" that Applicant is emphasizing actually ends at once the purging data from the

peripheral device, e.g., images on the device, and uploading them to a database. This paragraph does not state that the applet require network connection for the deletion of the peripheral device driver, which as stated previously, resides locally on the client machine. In addition, the applicant only states "monitoring for ***an event*** related to the end of persistence", emphasis added, while applicant attempts to argue using more or less paragraph 75, that monitoring of Moyer is the whole "entire process" of installing the peripheral driver, transferring device data from peripheral to client, uploading data to database, deleting the data from the peripheral once uploaded, etc, all constitutes "an event". Clearly "an event" cannot include all these processes. As stated in the previous rejection, the event would be when the user finishes getting the data from the peripheral device, i.e., all data is read from the peripheral device or data is deleted from the peripheral device after transfer, in both cases not requiring a network connection.

b) Examiner views the dependent claims are still read upon by Moyer and thus the rejection of the respectively dependent claims are maintained.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 1,17,18,20 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in

the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

6. Applicant claims a negative limitation effectively stating, "...the monitoring and the fully automatically removing support information occurs regardless of whether the computing device is networked or maintains a network connection...". This is not enabled because the specification is silent with regard to this limitation. The only reference in the specification that remotely relates to this limitation is on pg. 4, lines 16-20, where the applicant discloses very generally, "...aspects of the present invention can also be utilized in embodiments wherein computing devices are not interconnected." This in it of itself has undue breadth and would warrant an enablement rejection if read into the claims. More importantly, there is no link/connection/reference to the monitoring and removing support information with or without the network. Per 2173.05(i), any negative limitation or exclusionary proviso must have basis in the original disclosure.

7. The remaining dependent claims are rejected as being dependent on rejected base claims 1,17,18,20 and 21.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-9, 12-26 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat. Pub. No. 2002/0174206 to Moyer et al. (Moyer).

10. Per claims 1 and 21 Moyer discloses a method for maintaining a computing device (Fig. 3A shows being able to transfer information from a peripheral device, Fig. 2A, element 202 to a computing device, Fig. 2A, element 204, comprising the acts of: receiving an indication of an end of persistence for a peripheral device (Moyer deals with the automatic connection and disconnection of a peripheral device, element 202, to/from a client computer, element 204, such that once the peripheral finishes transferring information, the peripheral device driver can automatically be removed from the client machine; paragraph 26, "...the device driver may be deleted from a client computer after the consumer has completed the retrieval, upload or removal...the deletion may occur automatically at the end of the process...") regardless of whether the peripheral device is connected to the computing device (it does not matter if the peripheral device is connected or not, e.g., the peripheral device can be logically connected, once transfer is complete, the driver is removed and the peripheral device is still physically connected to the client; also note, due to the broad nature of the claim language, the "wireless" nature of the peripheral device, paragraph 41, is clearly not physically connected to the client and thus would read on this limitation.); by the computing device (Fig. 2A, element 204), monitoring for an event/indication related to the end of persistence (paragraph 26, the event is clearly when the consumer has finished transferring the data, e.g., digital images, thus inherently there will be

monitoring of data transfer completion) and by the computing device (Fig. 2A, element 204), fully automatically removing support information associated with the peripheral device based on detection of the event related to the end of persistence (paragraph 92, "...peripheral device driver 214 may be deleted without requiring the user to manually perform an uninstall operation"), wherein the monitoring and the fully automatically removing support information occurs regardless of whether the computing device is networked or maintains a network connection (paragraph 92, Moyer shows that the peripheral drivers are automatically removed regardless of whether the network (Fig. 2B, element 108) is attached or not by stating that the drivers are implemented using DLLs that are located on the client computer's hard disk; the event that is monitored for can be when all data is finished reading from the peripheral device or data is deleted from the peripheral device after transfer, in both cases, not requiring a network connection).

11. Per claims 17, 18, 20 and 21, Moyer discloses a computer readable medium (Fig. 2A, element 204 has storage medium for device drivers, Fig. 2, element 224 shows the peripheral drivers in a storage medium), computing device (Fig. 2A, element 204), and system (Fig. 2A) that comprise and has embodied the limitations of claim 1.

12. Per claims 2-4 and 19, Moyer discloses claims 1 and 18, Moyer further disclosing the storage of an indicator of the end of persistence (note, due to the breath of the claimed "indicator", anything that associates/relates to the end of persistence reads upon this claim. Moyer discloses, paragraph 92, the windows registry storing DLLs, indicating the presence/absence of the device. This clearly serves as an "indicator" of

the end of persistence, since once the driver is automatically removed by the client due to finishing transfer of data between the peripheral and the client, the absence of the DLLs from the registry will indicate the peripheral device has been removed based on data having finished transferring). Note that the windows registry is by definition a "database" of installed devices.

13. Per claims 5-7, Moyer discloses claim 1, wherein client computer determines when the peripheral device has finished downloading (paragraph 26), it is inherent that the Microsoft OS (paragraph 92) uses threads as typical with all operating systems executing processes in detecting the end of a transfer process. The client computer must be booted up initially before the OS can monitor for any event or execute any thread.

14. Per claims 8-9, 12-16, Moyer discloses claim 7, further disclosing the peripheral device being attached to a port (Fig. 2A, element 206) whether physically over cable or wirelessly (paragraph 41) requiring the Microsoft OS to identify this physical location in order to communicate with it (Fig. 3C, element 310). Data on the peripheral device is detected and transferred (Fig. 3C, element 316) after the peripheral device driver has been installed (Fig. 3C). Moyer discloses the driver/support information being retrieve over a network (Fig. 2C, element 108) from a database (Fig. 2C, element 224), which inherently requires network access commands. The interface to the network is via HTTP (Fig. 2A, element 104) using a browser application (Fig. 2A, element 100). Finally, the driver is installed (Fig. 3C, element 314). Note, it is inherent Microsoft OS utilizes the most updated support information, where if a driver is older than what is

already on the client computer, the Microsoft OS will ask if the user desires to replace the new driver with the old driver. This has been the case since *at least* the Windows 95 OS.

15. Per claims 22-26, Moyer discloses claim 21, Moyer further discloses automatically deleting the device driver (paragraph 26), involves waiting, e.g., a volatile temporal component where the client computer must wait for a certain period of time based on the amount of data that needs to be transferred, until the transfer process is complete. End of persistence is thus reached when the client computer assesses the transfer process is complete after a certain duration of time. Moreover, Moyer discloses being able to delete the peripheral driver, e.g., setting whether to delete or keep the driver (paragraph 91, "...applet may provide the user with an option of uninstalling (removing) the peripheral device driver..."). Applets are by definition plug-ins to browsers, usually requiring JAVA for browsers as Moyer is using. The option of deleting the driver can clearly be given anytime prior to the completion of the download based on when the user consciously makes the decision that he/she will not need the connection to the client device anymore.

Allowable Subject Matter

16. Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. The following is the statement of reasons for the indication of allowable subject matter: The prior art disclosed by the applicant and cited by the Examiner fail to teach

or suggest, alone or in combination, ***all*** the limitations of the independent and corresponding dependent claim(s) (claims 1, 7 and 8), particularly where the peripheral device is a printer utilizing the Internet Printing Protocol. Moyer desires to transfer information from a peripheral storage device for digital storage would not be entirely obvious to have the peripheral storage device being a printer device.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S. Chen whose telephone number is 571-272-4143. The examiner can normally be reached on M-F 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim N. Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ASC
04/04/2006

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